

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	CR No: 04-0044-SI
	)	
Plaintiff,	)	
	)	UNSEALING APPLICATION AND
v.	)	PROPOSED ORDER
	)	
VICTOR CONTE, et. al.,	)	
	)	
Defendants.	)	

The United States, by and through Joseph P. Russoniello, United States Attorney, and Jeffrey D. Nedrow, Assistant United States Attorney, hereby moves the Court for an order unsealing the affidavit signed by Special Agent Jeff Novitzky and filed on July 6, 2004 in connection with this case. The United States had previously requested sealing of this affidavit because at the time the affidavit was filed, it addressed confidential matters regarding the handling of grand jury transcripts in the original Balco case. As the unauthorized leak of grand jury material which caused the filing of the affidavit has long since been resolved, there is no longer a need to maintain this affidavit under seal.

UNITED STATES' MOTION  
TO UNSEAL AFFIDAVIT  
AND PROPOSED ORDER  
CR NO.: 04-0044-SI

1 DATED: February 12, 2009

Respectfully submitted,

2 JOSEPH P. RUSSONIELLO  
3 United States Attorney


4  
5 /s/  
6 MATTHEW A. PARRELLA  
7 JEFFREY D. NEDROW  
8 JEFFREY R. FINIGAN  
9 J. DOUGLAS WILSON  
10 Assistant United States Attorneys

11 **ORDER**

12 In light of the government's motion, and for the reasons stated therein, the affidavit  
13 signed by Special Agent Jeff Novitzky and filed on July 6, 2004 is hereby ordered unsealed.

14 IT IS SO ORDERED.

15 DATED: 2/13/09, 2009

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17 SUSAN ILLSTON  
18 United States District Judge  
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